

Title 22, California Code of Regulations

ARTICLE 4. Discharge

§ 12401. Discharge of Water Containing a Listed Chemical at Time of Receipt.

(a) Whenever a person otherwise responsible for the discharge or release receives water containing a listed chemical from:

(1) a public water system, as defined in Section 116275 of the Health and Safety Code (1997);

(2) a commercial supplier of drinking water; or

(3) a source of drinking water in compliance with all primary drinking water standards and the chemical is the result of treatment of the water in order to achieve such compliance; the person does not “discharge” or “release” within the meaning of the Act to the extent that the person can show that the listed chemical was contained in the water received. “Discharge or release” shall apply only to that amount of the listed chemical derived from sources other than the drinking water.

(b) Whenever a person otherwise responsible for the discharge or release receives water containing a listed chemical from a source other than a source specified in subsection (a) the person does not “discharge” or “release” within the meaning of the Act to the extent that the person can show that the listed chemical was contained in the water received, and “discharge or release” shall apply only to that amount of the listed chemical derived from sources other than the water, provided that:

(1) The water is returned to the same source of water supply, or

(2) The water meets all primary drinking water standards for the listed chemical or, where there is no primary drinking water standard established for the listed chemical, the water shall not contain a significant amount of the chemical.

(c) Stormwater runoff from a place of doing business containing a listed chemical, the presence of which is not the direct and immediate result of the business activities conducted at the place from which the runoff flows, is not a “discharge” or “release” within the meaning of the Act. For purposes of this subsection, “business activities” does not include parking lots.

(d) The movement of naturally occurring chemicals as the result of the application, unavoidable runoff, or percolation of agricultural irrigation water is not a “discharge” or “release” within the meaning of Section 25249.5 of the Act. For purposes of this subsection, “naturally occurring chemicals” means chemicals present in the soil solely as a result of natural geologic processes.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Sections 25249.5, and 25249.11, Health and Safety Code.

§ 12403. Discharges from Hazardous Waste Facilities.

(a) For a discharge or release of a listed chemical from a low-level radioactive waste disposal facility licensed pursuant to Chapter 7.6 of Division 20 (commencing with Section 25800) of the Health and Safety Code, a solid waste “disposal facility” as defined in Public Resources Code Section 40121 (1990) or a hazardous waste “disposal site” as defined in Health and Safety Code Section 25114, it shall be presumed that the chemical probably will not pass into any source of drinking water for purposes of Section 25249.5 of the Act provided that the operator of the facility or site can show that the facility or site is subject to and in compliance with requirements of state or federal statutes, regulations, permits and orders adopted to avoid contamination of surface or groundwater.

(b) The presumption in subsection (a) may be rebutted by any admissible evidence including, but not limited to, that compliance with the same or substantially the same requirements of state or federal statutes, regulations, permits and orders adopted to avoid contamination of surface or groundwater has failed to prevent surface or groundwater contamination at similar facilities or sites under similar circumstances.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.5, Health and Safety Code.

§ 12405. Discharge of Pesticide

For a discharge or release of a listed chemical which is an active ingredient, other specified ingredient, or degradation product of a pesticide as defined in Section 12753 of the Food and Agricultural Code (1996), if the person responsible for the application can show that the registrant of the pesticide has completely and adequately satisfied all of the data submission requirements of Section 13143(a) of the Food and Agricultural Code (1996) and that the pesticide has not been placed on the Groundwater Protection List described in Section 13145 of the Food and Agricultural Code (1996) and that the application is otherwise in compliance with the Pesticide Contamination Prevention Act of 1985 (1996) and all regulations promulgated thereunder, then it shall be presumed that the chemical probably will not pass into any source of drinking water for purposes of Section 25249.5 of the Act. For purposes of this section only, the person responsible for the application may rely upon information regarding a registrant’s compliance with Section 13143(a), Food and Agricultural Code (1996), which is obtained from the Department of Pesticide Regulation through the office of a county agriculture commissioner.

NOTE: Authority cited: Section 25249.12, Health and Safety Code Section. Reference: Section 25249.5, Health and Safety Code.